

**UNITED STATES DISTRICT COURT**  
**for**  
**EASTERN DISTRICT OF NORTH CAROLINA**  
**WESTERN DIVISION**

**U.S.A. vs. Andrew Mark Thompson**

**Docket No. 5:08-CR-291-1F**

**Petition for Action on Supervised Release**

COMES NOW Linwood E. King, probation officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Andrew Mark Thompson, who, upon an earlier plea of guilty to Interfering With a Flight Crew, was sentenced by the Honorable James C. Fox, Senior U.S. District Judge, on April 1, 2009, to time served. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for 36 months under the standard conditions adopted by the court and the following additional conditions:

1. The defendant shall perform 300 hours of community service as directed by the probation office and if referred for placement and monitoring by the State of North Carolina, pay the required \$200 fee.
2. The defendant shall participate as directed in a program approved by the probation office for the treatment of narcotic addiction, drug dependency, or alcohol dependency which will include urinalysis testing or other drug detection measures and may require residence or participation in a residential treatment facility.
3. The defendant shall abstain from the use of any alcoholic beverages, shall not associate with individuals consuming alcoholic beverages, shall not frequent business establishments whose primary product to the consumer is alcoholic beverages, and shall not use any medication containing alcohol without the permission of the probation office or a prescription from a licensed physician.
4. The defendant shall participate in a program of mental health treatment, as directed by the probation office.
5. The defendant shall abide by all conditions and terms of the home detention program for a period not to exceed 180 consecutive days. The defendant shall be restricted to his residence at all times except for pre-approved and scheduled absences for employment, education, religious activities, treatment, attorney visits, court appearances, court obligations or other activities as approved by the probation officer. The defendant shall wear an electronic monitoring device and follow electronic monitoring procedures specified by the probation officer. The defendant shall pay for electronic monitoring services as directed by the probation officer.

6. The defendant shall consent to a warrantless search by a United States Probation Officer or, at the request of the probation officer, any other law enforcement officer, of the defendant's person and premises, including any vehicle, to determine compliance with the conditions of this judgment.
7. The defendant shall cooperate in the collection of DNA as directed by the probation officer.
8. The defendant must pay restitution in the amount of \$13,200.

Andrew Mark Thompson was released from custody on April 1, 2009, at which time the term of supervised release commenced.

On November 16, 2009, the court extended the offender's term of home confinement for a period of 30 days due to previous non-compliant behavior.

On June 8, 2010, the court placed the offender in a Residential Re-Entry Center for a period of 90 days due to non-compliant behavior.

**RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:**

The defendant is currently being supervised in the Eastern District of New York by Senior U.S. Probation Officer Tanya M. Parris. According to Officer Parris, on August 17, 2010, Thompson entered the Brooklyn Residential Re-Entry Center (RRC) to begin serving his 90-day placement previously ordered by this court. On September 27, 2010, the defendant was unsuccessfully discharged from the RRC after failing to comply with the facility's rules. Specifically, on September 26, 2010, a random breathalyzer test was conducted, which resulted in a positive reading of .029. The defendant was instructed to report to the Operations area of the facility within 15 minutes of the initial test to complete a confirmation breathalyzer test; however, Thompson failed to do so and was subsequently discharged.

Following his discharge, the defendant attended outpatient substance abuse treatment at Daytop Village, Manhattan, NY, and completed that program on December 13, 2010. Additionally, the RRC facility administrator agreed to re-admit Thompson into their facility to complete his initial 90-day placement, and the defendant has maintained his residence there since December 2, 2010. Officer Parris recommends that the offender be required to remain in the RRC for an additional 30 days to serve as an intermediate sanction for his recent non-compliant behavior.

The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

**Andrew Mark Thompson**  
**Docket No. 5:08-CR-291-1F**  
**Petition For Action**  
**Page 3**

**PRAYING THAT THE COURT WILL ORDER** that supervised release be modified as follows:

1. The defendant shall reside in a Residential Re-Entry Center (RRC) for 30 days as approved by the Probation Department. This 30-day period shall begin at the completion of any previously ordered RRC placement. While in the RRC, the defendant shall adhere to all rules and conditions established by the RRC, including the payment of subsistence costs.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

I declare under penalty of perjury that the foregoing is true and correct.

/s/Jeffrey L. Keller  
Jeffrey L. Keller  
Supervising U.S. Probation Officer

/s/Linwood E. King  
Linwood E. King  
U.S. Probation Officer  
310 New Bern Avenue, Room 610  
Raleigh, NC 27601-1441  
Phone: (919) 861-8682  
Executed On: January 10, 2011

**ORDER OF COURT**

Considered and ordered this 11<sup>th</sup> day of January, 2011, and ordered filed and made a part of the records in the above case.

James C. Fox  
James C. Fox  
Senior U.S. District Judge